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REMARKS

Claims 1-35 are currently pending in the application.

Claims 1-9, 11-15, 18, 19, 21-24 and 26-35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Skinner et al. (U.S. Pat. No. 5,963,914) ("Skinner"). Claims 10, 17 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Skinner combined with Garg et al. (U.S. Pat. No. 6,453,346) ("Garg"). Claims 16 and 25 have rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Skinner combined with Horman et al. (U.S. Pat. No. 6,275,570) ("Horman").

Independent claims 1, 11, 12, 21, 28, 30, 32 and 34 recite, *inter alia*, a system, method, or apparatus for obtaining information about the profile of the work activities of an employee. Independent claims 1, 11, 12, 21, 28, 30, 32 and 34 are patentable over Skinner because Skinner, either alone or in combination with the other references cited by the Examiner, does not show or suggest a system, method, or apparatus relating to information about the profile of the work activities of an employee.

In the Office Action, the Examiner asserts that Skinner teaches a system, method and apparatus that stores and implements an application relating to information about the profile of the work activities of a plurality of employees. Applicant respectfully disagrees with the Examiner's assertion.

Skinner teaches a system that tracks time spent by a person on a remote computer. As stated in the first sentence of the "Summary of the Invention" in Skinner, "It is an object of a *time tracking system* provided according to the invention to produce automatic documentation and unalterable proof of work done on a computer" (col. 2, lines 43-45; emphasis added). Skinner refers to the disclosed system throughout as a "time tracking system" (*e.g.*, col. 2, lines 43, 55, 61, 63; col. 3, lines 7, 14) to be used for "tracking of worked time" (*e.g.*, col. 2, lines 65-66). The time tracked can then be allocated to a particular project, department, customer, etc. For instance, Skinner states (col. 3, line 57 to col. 4, line 8):

The data collector means for monitoring certain portions of a user's computer network activity includes a resident module or an operating system extension such as, for example, a TSR (terminate-and-stay-resident) module which extends the file system of the computer so that detailed records are kept of

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file activities. The data collector means for logging those certain portions of a user's computer network activity includes an application which extends the user interface of the computer so that detailed records of user activities on external input devices, such as, for example, keyboard activity and mouse activity, are kept as a user performs work. The data collector means for logging those certain portions of a user's computer network activity includes means for producing a log file which contains a chronological summary of the activities of a user. The data collector means for logging those certain portions of a user's computer network activity includes means for producing the log file which contains non-automatically collected data, such as the user's comments on their work.

The "activities" being logged by the Skinner system are clearly network activity, electronic file activity, keyboard activity, mouse activity, and other such computer activities that can be used to prove that an employee is actually working during their time at home. The purpose of the Skinner system is to provide verification of the hours employees are spent actually working, especially employees who are telecommuting.

In contrast, the subject matter of the present claims concerns systems, methods and apparatus for obtaining information about the *types* of tasks done by employees, so that an employer can properly staff projects and can establish more appropriate salary ranges for given jobs. Such decisions would be based on the types of tasks and responsibilities found within the profiles of the work activities of the employees.

The systems, methods and apparatus of the present claims relate to information about the profile of the "work activities" of employees, where the work activities of employees are defined as "tasks which they perform during the course of their employment" (specification, page 6, lines 18-19). Examples of the type of information to be found in an employee's work activity profile are provided in the specification at page 10, lines 11-17:

Page 400 also includes a personal work profile 420 for the employee indicated in identification box 405. Personal work profile 420 is a list of all of the work activities an employee performs, grouped by work functions. Work functions may include, e.g., auditing, business development, compliance, customer/clients, external affairs, finance, general administrative and clerical, general services, general supervisory and managerial, human resources, information technology, legal, marketing, outsourced services, strategic planning, and treasury.

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The systems, methods and apparatus of the present claims are intended to give employers the ability to make, *e.g.*, staffing decisions.

In addition, the Skinner patent contains repeated references indicating that an advantage of the system taught is that time data, once entered, cannot be altered or tampered with (*e.g.*, col. 3, lines 19-22 (“Because the data is encrypted, information about reported time and work performed on the computer is accurate and cannot be altered.”); col. 2, lines 28-31 (“The advantage if the amount of time and work performed out of sight can be accurately and automatically documented and encrypted to prevent manipulation of recorded data.”); col. 4, lines 46-48 (“The data analyzer means include means for certification of the collected data including cross-checking to detect tampering”)). In contrast, Applicant’s claims 1 and 11, as dependent claims 2-9, specifically recite that it is the *employee* who can create the profile of his/her own work activities. Applicant respectfully submits that in this regard Skinner teaches away from the subject matter of Applicant’s claims.

In summary, the system taught by Skinner tracks the time spent by an employee working on a remote computer. Skinner does not disclose a system that tracks the types of work that an employee is capable of doing, only that an employees actually did work. Applicant therefore respectfully submits that Skinner does not show or suggest a system, method, or apparatus relating to information about the profile of the work activities of an employee as recited in independent claims 1, 11, 12, 21, 28, 30, 32 and 34.

With respect to the other references cited by the Examiner, Garg teaches a method and apparatus for intelligent storage and reduction of storage space. Horman teaches a system and method for the provisioning of subscribers of a first communications network to a second communications network. As stated above, Skinner teaches a method for remote tracking of time spent working by remote employees. In the Office Action, the Examiner admits that Skinner does not teach weighting of work activities group values to calculate the value of the profile or converting the value for the profile to a geographic equivalent value. The Examiner also admits that Skinner does not teach providing a template for the employee to create a profile. Thus, none of these references, either alone or in combination, teaches a system, method, or apparatus relating to information about the profile of the work activities of an employee.

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Dependent claims 2-10, 13-20, 22-27, 29, 31, 33 and 35 depend directly or indirectly from independent claims 1, 11, 12, 21, 28, 30, 32 and 34, and thus contain all of the limitations of the independent claims from which they depend. Therefore, these dependent claims are patentable over Skinner, either alone or in combination with Garg and/or Horman, for at least the same reasons set forth above with respect to claims 1, 11, 12, 21, 28, 30, 32 and 34.

Applicants submit that all of the claims are not in condition for allowance, which action is requested. Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,



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